

**REMARKS**

Applicants thank the Examiner for his comments. Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims has not changed.

**Request for Telephone Interview**

Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

**Amendment to the Specification**

Applicants amended the first full paragraph on page 9 of Applicants' Specification to provide antecedent support for the "electrostatic adhesive" recited in Claim 8. Further support for this Amendment can be found in this same paragraph and at page 12, first paragraph, of Applicants' Specification.

### **Amendment to the Claims**

Applicants amended Claims 1 and 13 to use the transition language “consisting essentially of” instead of “comprising,” and to correct the unintentional error noted by the Examiner at page 3, line 1-2, of the Office Action. Support for this Amendment can be found at page 4, first full paragraph, of Applicants’ Specification.

Applicants canceled Claims 25-35, without prejudice.

Applicants added new Claims 36-46. Support for new independent Claim 36 can be found at page 7, second full paragraph, and at page 9, first full paragraph, of Applicants’ Specification. Support for new dependent Claims 37-46 can be found at least in the original dependent claims. Claims 36-38 and 40-46 are properly classified in the elected group.

No new matter has been added to the claims by this Amendment.

### **Specification**

The Specification has been objected to for failing to provide antecedent basis for the claim term “electrostatic adhesive.” Applicants amended the Specification as discussed above to provide antecedent basis. Applicants respectfully assert the above Amendment overcomes the objection to the Specification.

**Claim Rejections - 35 U.S.C. §112**

Claims 1-12 have been rejected under 35 U.S.C. §112, for the reasons set forth at pages 2-3 of the Office Action. Applicants amended Claim 1 to recite the film is free of the listed compounds. Applicants believe the above Amendment overcomes this rejection of Claims 1-12, particularly in view of the Examiner's comments on Page 3, lines 1-2.

**Claim Rejections - 35 U.S.C. §103**

The rejection of Claims 1-8 and 10-12 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr. et al., U.S. Patent 5,120,325, is respectfully traversed.

The Dow, Jr. et al. Patent discloses a bandage. The bandage includes a backing layer, an adhesive layer applied to a bottom side of the backing layer, and an absorbent pad attached to a portion of the bottom side (Col. 1, lines 37-49). The Dow, Jr. et al. Patent does not disclose or suggest a bandage without the absorbent pad (*See* Col. 3, lines 1-3).

Applicants' invention is an article for measuring external drug transfer to skin surfaces. Briefly stated, the claimed article has a polyolefin substrate film and a skin-adhering element attached to the polyolefin substrate film. As discussed at

page 3 of Applicants' Specification, the article is designed to emulate the surface of human skin.

Applicants' invention does not include an absorbent pad, as required in the bandage of the Dow, Jr. et al. Patent. The absorbent pad disclosed in the Dow, Jr. et al. Patent would result in a raised portion of the bandage that would interfere with Applicants' intended use of the claimed article for measuring external drug transfer to skin surfaces. One skilled in the art would find no suggestion or motivation to use the bandage of the Dow, Jr. et al. Patent as a drug-sampling device, due to the uneven surface resulting from the absorbent pad. As the Dow, Jr. Patent discloses the absorbent pad is necessary, there is also no disclosure, suggestion, or motivation to remove the absorbent pad.

Applicants amended Claim 1 to include the transition phrase "consisting essentially of." The transitional phrase "consisting essentially of" limits the scope of a claim to the specified materials "and those that do not materially affect the basic and novel characteristic(s)" of the claimed invention. *In re Herz*, 537 F.2d 549, 551-52, 190 USPQ 461, 463 (CCPA 1976) (emphasis in original); MPEP 211.03. As discussed above, the absorbent pad of the Dow, Jr. et al. Patent would materially affect the basic characteristics of the claimed invention.

For at least the above reasons, Applicants respectfully assert the invention of amended Claim 1, which does not include an absorbent pad, would not have been obvious to one skilled in the art over the absorbent bandage of the Dow, Jr. et al. Patent.

The rejection of Claim 8 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr. et al., U.S. Patent 5,120,325, in view of MacPhee et al., U.S. Patent 6,762,336, is respectfully traversed. Claim 8 depends from Claim 1, and is thus patentable for at least the same reasons discussed above.

The rejection of Claim 9 under 35 U.S.C. §103(a) as being unpatentable over Dow, Jr. et al., U.S. Patent 5,120,325, in view of Cartmell, U.S. Patent 5,160,328, is respectfully traversed. Claim 9 depends from Claim 1, and is thus patentable for at least the same reasons discussed above.

### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants

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have not addressed in this response, Applicants' undersigned attorney requests a telephone interview with the Examiner.

Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,



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